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FISCAL IMPACT STATEMENT

LS 6031

BILL NUMBER: HB 1574

NOTE PREPARED: Jan 19, 2013

BILL AMENDED:

SUBJECT: Credit Time for Behavior Management Programs.

FIRST AUTHOR: Rep. Smith V

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: The bill requires the Department of Correction (DOC) to establish, implement, and maintain an offender behavior management program. It also provides that an offender who completes the behavior management program may receive credit time.

Effective Date: July 1, 2013.

Explanation of State Expenditures: The bill potentially increases costs to the DOC to provide a sufficient capacity to allow offenders required to take part in a behavior management program the ability to participate in the program. To the extent that the bill adds to the credit time options for a prisoner, a prisoner's length of stay could be shortened by up to six months for attending a behavior management program. However, there is a limit of four years total credit time allowed, and adding behavior management programs does not add to this limit.

Any additional costs or cost savings will depend on the number of offenders serving a sentence for a listed crime, the amount of credit time the DOC allows for a successfully completed behavior management program, and the number of offenders successfully completing the program.

Violent Offenders: Under the bill, an offender convicted of a crime listed in IC 35-38-2.5-4.7(1) would be required to participate in a behavior management program. The DOC currently offers five programs that may qualify under the bill as a behavior management program. Based on the number of offenders convicted of one of the listed crimes and their date of release, the number of offenders required to participate in these programs could increase, resulting in the DOC having to provide more program opportunities. Some programs may be

provided using volunteers, while others may require additional DOC employees.

Offenders are limited to the amount of earned credit time that they can receive for completing education, substance abuse, or other programs. Under IC 35-50-6-3.3(I), the maximum amount of credits that they can earn is the lesser of four years or one-third of the person's total applicable credit time.

Background: Violent Offenders: On January 1, 2013, DOC reported that it housed 13,139 violent offenders in its facilities. These violent offenders represented about 46% of the offenders in all of the DOC facilities on that particular day.

Violent offenders are defined in statute under IC 35-38-2.5-4.7(1). The offenses include the following: murder; attempted murder; voluntary manslaughter; involuntary manslaughter; reckless homicide; aggravated battery; kidnapping; robbery as a Class A or Class B felony; burglary as a Class A or Class B felony; operating a motor vehicle while intoxicated causing death; operating a motor vehicle while intoxicated causing serious bodily injury to another person; resisting law enforcement as a felony; battery as a Class A, Class B, Class C, or Class D felony; domestic battery; arson; escape; stalking; offenses relating to regulated explosives; rape; criminal deviate conduct; child molesting; and sexual misconduct with a minor as a Class A felony or a Class B felony.

Behavior Management Programs and Good-Time Credit – The DOC provides five programs to address behavior management problems:

- (1) Thinking for a Change (T4C), which is an integrated, cognitive behavior change program for offenders that includes cognitive restructuring, social skills development, and development of problem solving skills. There are about 200 certified T4C facilitators in DOC.
- (2) Purposeful Living Units Serve (PLUS) , which is a faith- and character-based community that encourages offenders to choose alternatives to criminal thinking and behavior by providing a focus on spiritual and character development, life-skills training, community service, and intentional preparation for living as law-abiding citizens. The PLUS program is offered at 16 different facilities with a current enrollment of approximately 1,200 participants.
- (3) Clean Lifestyle is Freedom Forever (CLIFF) is a specialized therapeutic community designed specifically for those addicted to methamphetamine focusing on intensive cognitive and behavioral counseling based upon best practices. There are two male and one female CLIFF units.
- (4) Indiana Canine Assistant, Inc. (ICAN) provides rehabilitation and education to adult offenders by training assistance dogs for children and adults with physical and/or developmental disabilities. The program is located at three DOC facilities and currently has two full-time and three part-time staff and volunteers.
- (5) Therapeutic Communities (TC) are specialized intensive therapeutic communities designed to treat offenders with severe drug addictions using intensive cognitive behavioral, evidenced-based best practice counseling. There are TCs at five DOC facilities with a total of about 1,200 treatment beds.

DOC reported that 2,360 offenders graduated from at least one of these programs in 2011 and 2,777 graduated in 2012. Of the 2012 graduates, 820 were violent offenders under the definition of statute.

Sex Offenders: Additionally, some of the offenders who completed these programs may have been committed to DOC for a sex crime. These sex offenders would be eligible for this new credit time but not for completing the sex offender management and monitoring program.

Explanation of State Revenues:

Explanation of Local Expenditures: See *Explanation of Local Revenues*.

Explanation of Local Revenues: To the extent that additional DOC beds are freed up at some future time, fewer offenders may be housed in local jails awaiting DOC facility placement.

State Agencies Affected: DOC.

Local Agencies Affected:

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